

E1-383



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



October 24, 2003

Robert D. Rosenberg
Slover & Loftus
Attorneys at Law
1224 Seventeenth Street, N.W.
Washington, D.C. 20036-3003

Dear Mr. Rosenberg:

This responds to your letter of September 5, 2003, requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed rail line abandonment project (Almono LP) located in Allegheny County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, no biological assessment nor further consultation under the Endangered Species Act are required with the Fish and Wildlife Service. This determination is valid for two years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office will be necessary. Also, should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of certain federal status species in Pennsylvania is enclosed for your information.

This response relates only to endangered or threatened species under our jurisdiction based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

Requests for information regarding State-listed endangered or threatened species should be directed to the Pennsylvania Game Commission (birds and mammals), the Pennsylvania Fish and Boat Commission (fish, reptiles, amphibians and aquatic invertebrates), and the Pennsylvania Department of Conservation and Natural Resources (plants).

Please contact Robert Anderson of my staff at 814-234-4090 if you have any questions or require further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David Densmore", followed by a long horizontal line extending to the right.

David Densmore
Supervisor

Enclosure

FEDERALLY LISTED AND PROPOSED SPECIES THAT NO LONGER OCCUR IN PENNSYLVANIA

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>STATUS**</u>	<u>FORMER DISTRIBUTION</u>
<u>MAMMALS</u>			
Canada lynx	<i>Lynx canadensis</i>	PT	north-central PA (Tioga Co.)
Delmarva Peninsula fox squirrel	<i>Sciurus niger cinereus</i>	E	mature forests of southeastern PA (Delaware and Chester Co.)
Eastern cougar	<i>Felis concolor cougar</i>	E	state-wide
Grey wolf	<i>Canis lupus</i>	E	state-wide
<u>MOLLUSKS</u>			
Fanshell*	<i>Cyprogenia stegaria</i>	E	Ohio River drainage
Orange pimpleback*	<i>Plethobasus striatus</i>	E	Ohio River drainage
Pink mucket pearly mussel*	<i>Lampsilis abrupta</i>	E	Ohio River drainage
Ring pink mussel*	<i>Obovaria retusa</i>	E	Ohio River drainage
Rough pigtoe*	<i>Pleurobema plenum</i>	E	Ohio River drainage
<u>INSECTS</u>			
American burying beetle	<i>Nicrophorus americanus</i>	E	state-wide
Karner blue butterfly	<i>Lycaeides melissa samuelis</i>	E	pine barrens, oak savannas (wild lupine habitat) (Wayne Co.)
Northeastern beach tiger beetle	<i>Cicindela dorsalis dorsalis</i>	T	along large rivers in southeastern PA
<u>PLANTS</u>			
Eastern prairie fringed orchid	<i>Platanthera leucophaea</i>	T	wet prairies, bogs (Crawford Co.)
Sensitive joint-vetch	<i>Aeschynomene virginica</i>	T	freshwater tidal marshes of Delaware river (Delaware and Philadelphia Co.)
Virginia spiraea*	<i>Spiraea virginiana</i>	T	along Youghiogheny River (Fayette Co.)
Smooth coneflower	<i>Echinacea laevigata</i>	E	serpentine barrens (Lancaster Co.)

Revised 10/19/00

* It is possible that remnant populations of some of these species (indicated with an *) may still occur in Pennsylvania, however, there have been no confirmed sightings of these species for over 70 years.

** E = Endangered, T = Threatened, PT = Proposed Threatened

The following is a partial list of additional species that no longer occur in Pennsylvania: moose, bison, wolverine, passenger pigeon, Bachman's sparrow, greater prairie-chicken, olive-sided flycatcher, Bewick's wren, eastern tiger salamander, blue pike, butterfly mussel, Diana fritillary butterfly, precious underwing moth, deertoe mussel, marbled underwing moth, cobblestone tiger beetle, mountain clubmoss, crested yellow orchid, red milkweed, American barberry, small white lady's-slipper, etc, etc.

FEDERALLY LISTED, PROPOSED AND CANDIDATE SPECIES
(in Pennsylvania)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u> ¹	<u>Distribution</u> (by County and/or Watershed)
<u>FISHES</u>			
Shortnose sturgeon ²	<i>Acipenser brevirostrum</i>	E	Delaware River & other Atlantic coastal waters
<u>REPTILES</u>			
Bog turtle	<i>Clemmys muhlenbergii</i>	T	Current - Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill, York. Historic - Crawford, Mercer, Philadelphia Co.
Eastern massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Current - Butler, Crawford, Mercer and Venango Co. Historic - Allegheny and Lawrence Co.
<u>BIRDS</u>			
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Suitable habitats across the state. Recent nesting in Butler, Cameron, Centre, Chester, Crawford, Dauphin, Erie, Forest, Huntingdon, Lancaster, Lebanon, Mercer, Northumberland, Pike, Tioga, Venango, Warren, Wayne and York Co. Wintering concentrations occur near ice-free sections of rivers, lakes and reservoirs, including the Delaware River.
Piping plover	<i>Charadrius melodus</i>	E	Migratory. No nesting in Pennsylvania since 1950s. Designated critical habitat on Presque Isle, Erie Co.
<u>MAMMALS</u>			
Indiana bat	<i>Myotis sodalis</i>	E	Winter hibernacula: Armstrong, Blair, Lawrence, Luzerne, Mifflin and Somerset Co.
<u>MOLLUSKS</u>			
Dwarf wedgemussel	<i>Alasmodonta heterodon</i>	E	Current - Delaware River (Wayne Co.). Historic - Delaware River watershed (Bucks, Carbon, Chester and Philadelphia Co.); Susquehanna River watershed (Lancaster Co.)
Clubshell mussel	<i>Pleurobema clava</i>	E	French Creek and Allegheny River watersheds (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Co.); Shenango River (Ohio River watershed; Mercer and Crawford Co.)
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	French Creek and Allegheny River watersheds (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Co.)
<u>PLANTS</u>			
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	Current - Adams, Bedford, Blair, Carbon, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Lackawanna, Lehigh, Lycoming, Mifflin, Monroe, Perry, Snyder and Union Co. Historic - Northampton Co.
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Current - Centre, Chester and Venango Co. Historic - Berks, Greene, Monroe, Montgomery and Philadelphia Co.

¹ E = Endangered, T = Threatened, PE = Proposed Endangered, PT = Proposed Threatened, C = Candidate Revised 2/27/03
² Shortnose sturgeon is under the jurisdiction of the National Marine Fisheries Service